

SENATE BILL NO. 88

INTRODUCED BY SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ELECTOR MAY REQUEST ABSENTEE BALLOTS FOR SUBSEQUENT ELECTIONS; PROVIDING FOR A REQUEST FORM; ~~AND~~ AMENDING SECTIONS 13-13-212 AND 13-13-214, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) An elector may apply for an absentee ballot, using only a standardized form provided by rule by the secretary of state, by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (2) must be received by the election administrator within the time period specified in 13-13-211(2).

(3) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator.

(4) (A) When applying for an absentee ballot under this section, an elector may also request to be mailed an absentee ballot, as soon as the ballot becomes available, for each subsequent election in which the elector is eligible to vote OR ONLY FOR EACH SUBSEQUENT FEDERAL ELECTION IN WHICH THE ELECTOR IS ELIGIBLE TO

VOTE for as long as the elector remains qualified to vote and resides at the address provided in the initial application.

(B) TO ENSURE THAT THE ELECTOR STILL RESIDES AT THE ADDRESS PROVIDED IN THE INITIAL APPLICATION, THE THE ELECTION ADMINISTRATOR SHALL MAIL AN ADDRESS CONFIRMATION FORM AT LEAST 75 DAYS BEFORE THE ELECTION TO EACH ELECTOR WHO HAS REQUESTED AN ABSENTEE BALLOT FOR SUBSEQUENT ELECTIONS. IF THE FORM IS RETURNED TO THE ELECTION ADMINISTRATOR AS UNDELIVERABLE THE ELECTOR SHALL SIGN THE FORM, INDICATE THE ADDRESS TO WHICH THE ABSENTEE BALLOT SHOULD BE SENT, AND RETURN THE FORM TO THE ELECTION ADMINISTRATOR. IF THE FORM IS NOT COMPLETED AND RETURNED, THE ELECTION ADMINISTRATOR SHALL REMOVE THE ELECTOR FROM THE REGISTER OF ELECTORS WHO HAVE REQUESTED AN ABSENTEE BALLOT FOR EACH SUBSEQUENT ELECTION.

(C) AN ELECTOR WHO HAS BEEN REMOVED FROM THE REGISTER MAY SUBSEQUENTLY REQUEST TO BE MAILED AN ABSENTEE BALLOT FOR EACH SUBSEQUENT ELECTION."

Section 2. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector. (1) (a) Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official paper absentee ballots are printed, the election administrator shall immediately send by mail, postage prepaid, to each legally registered elector and provisionally registered elector from whom the election administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever official ballots are necessary.

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person;

and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a form prescribed by the secretary of state that allows the elector to request absentee ballots for EACH SUBSEQUENT FEDERAL ELECTION ONLY OR FOR ALL subsequent elections, as provided for in 13-13-212(4);

(b) a secrecy envelope, free of any marks that would identify the voter; and

~~(b)~~(c) an envelope for the return of the ballots. The envelope must be self-addressed by the election administrator and an affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall ensure that the ballots provided to an absentee elector are marked as provided in 13-13-116 and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

(4) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

(5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return envelope. The election administrator shall include a voter information pamphlet with the instructions if:

(a) a statewide ballot issue appears on the ballot mailed to the elector; and

(b) the elector requests a voter information pamphlet."

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2005.

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